

Wisconsin State Senate

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## **E-Learning Options and Accountability Act Fact Sheet**

**Clarifies state law to allow virtual schooling to continue as an innovative educational option for children and their parents.**

- Modernizes state law to define a virtual charter school as a charter school that provides an online learning program.
- Allows students, parents, and teachers to interact remotely by removing the current requirement that virtual schools conduct learning within the geographical boundaries of the chartering school district.
- Expands access to virtual education by directing the Department of Public Instruction to make online courses available to all schools statewide for a reasonable fee.

**Ensures quality through minimum standards for direct instructional contact and course content.**

- Requires 2 hours of teacher-student contact per school day for kindergarten through eighth grade.
- In grades nine through twelve, requires 30 minutes of teacher-student contact per day for full-time students and 20 minutes per week per course for part time students.
- Ensures qualified teachers are instructing students by establishing a professional development program that prepares licensed teachers to teach online.

**Protects taxpayers by restoring accountability to virtual school funding.**

- Creates per-pupil structure for virtual charter schools that better reflects actual on-line educational costs.
- Ends corporate profiteering on public tax dollars by establishing that the amount of the state aid adjustment for a virtual school student be set at 50% of the amount of the amount determined for the brick-and-mortar Open Enrollment Program, beginning in the 2009-10 school year.
- Maintains local control by ensuring that at least 15% of a virtual charter school's enrollment is made up of students who live in the chartering district, starting in the 2009-10 school year.
- Contracts between school district and private corporations providing e-learning content and services are open records.

**Provides flexibility to allow for a smooth transition to the new standards and addresses the decision of the Appeals court.**

- Gives existing schools until July 2009 to adjust to any new provision if they are not already in compliance.
- To avoid confusion, existing schools will be able to continue at current levels but no new virtual charters will start up until the new guidelines go into effect.
- Vests authority in the local school board to make decisions about their virtual education program, like how to provide a safe and secure online learning environment, how virtual courses would be counted toward graduation, which qualified teacher would be assigned to each course, and which and how many students may enroll in each course.
- Staves off further court battles that create educational instability for children and their parents.



## State of Wisconsin Department of Public Instruction

Elizabeth Burmaster, State Superintendent

Senate Committee on Education  
January 17, 2008

### Department of Public Instruction Testimony on Senate Bill 396

Thank you to Chairperson Lehman and members of the committee for the opportunity to testify before you today. My name is Jennifer Kammerud. I am the Legislative Liaison for the Department of Public Instruction and with me today are Sheila Ellefson, Chief Legal Counsel for the Department, and Brian Pahnke, Assistant Superintendent of Finance and Management. We are here today on behalf of State Superintendent Elizabeth Burmaster to testify in support of Senate Bill 396 (SB 396) as it provides the necessary language to advance quality virtual education in Wisconsin and provides an appropriate legislative response to the recent Court of Appeals decision.

Virtual education is an innovative reality in the 21st century and an effective educational strategy for many students. We believe that as many as 3,500 students may currently be enrolled in a virtual school, many of whom are open enrollment students. This number has been steadily increasing since the first virtual schools were created in 2002 and just over 250 students were enrolled. Virtual education, while growing represents a small percentage of the total student population. In 2006-07, we had 876,700 students enrolled in public school, 133,419 in private school and 20,157 in home-based private education statewide.

The rapid advances in the application of technology in education have created many opportunities for students, but they also pose a challenge to the state as we look to updating statutes and policies to reflect the reality and ensure the quality of virtual education. The recent Wisconsin Court of Appeals decision, which found that the operation of Wisconsin Virtual Academy (WIVA) violates current state statutes, demonstrates that our current laws do not really address how virtual education should be delivered in this state.

In the decision regarding WIVA, a virtual charter school, the court looked at three statutes --the operation of charter schools, open enrollment, and teacher licensing -- and found violations of all three.

First, state statute prohibits a school district from operating a charter school located outside the district. The court found WIVA violates this statute.

Second, state statute requires that open-enrollment students attend a school in the district to which they open enroll. The court found that WIVA's open-enrollment students do not meet this requirement.

SB 396 would address both of these issues by removing the current requirement that virtual schools conduct learning within the geographical boundaries of the chartering school district. Furthermore, the bill acknowledges the basis for local control of education, that district schools were created to educate the children within the district and are accountable to voters in the district. As such, SB 396 requires that at least 15 percent of a virtual charter school's enrollment is made up of students who live in the chartering district, beginning in the 2009-10 school year.

Third, the statutes require that teachers in all public schools, including charter schools, be state certified. The court found that WIVA violates this provision. The court said that parents can help their children with homework and volunteer in classrooms, but parents cannot be the primary teachers in a public school funded with taxpayer dollars.

SB 396 addresses this finding in a couple of ways. The bill provides a transition period for existing virtual charter schools to come into compliance by July 1, 2009. By that date, anyone who teaches at a virtual charter school must be certified. It provides an amount of time students are to be in direct contact with a teacher and clarifies that additional professional development is needed for teachers who teach online beginning in 2013. If we provide state funding for virtual charter schools, we must also assure the public that a quality education is provided using licensed teachers. In requiring certified teachers the bill also clearly distinguishes between virtual schools and home schools.

The bill states that school boards may not exclude a pupil from an online course solely because the pupil's parent or guardian will not participate. The language makes clear that parents can not be used in lieu of a licensed teacher. This provision also ensures fair access to this form of public education. Currently, students in virtual charter schools are more likely to be white, economically advantaged, and English proficient, and less likely to have a disability, than students in the state as a whole.

SB 396 responds to the decision by the Court of Appeals and provides a clear direction forward by establishing minimum standards for quality virtual education. We must be proactive, as other states have been, to ensure that Wisconsin has minimal standards in place so that every student has access to a quality virtual education experience. This includes issues such as instructional standards, pupil-teacher contact, assessment of pupil progress, and methods to measure pupil participation.

The responsibility for important aspects of virtual education is also clarified under SB 396. It is important for parents to know that no matter which virtual school their child attends, key aspects of their education are ensured. SB 396 makes clear that school boards are vested with the authority to provide safe and secure online environments, ensure that coursework and pupil records remain confidential, verify the authenticity of

pupil coursework, determine average equivalency hours, determine residency status, and ensure a minimal amount of direct contact time.

The final aspect of this bill that the department would like to bring to your attention is the creation of a statewide web academy. The department strongly supports the creation of a state web academy and the potential for all school districts, CESAs, and private schools to access this content. We feel this academy will allow more students to experience virtual education, enrich the curriculum available to all students, public and private, and aid in a more successful educational experience for a number of students for whom open enrollment does not work.

The court of appeals has ruled that WIVA can not operate under current law and is not entitled to open enrollment transfer payments for students who have open enrolled into WIVA. Normally, open enrollment transfer payments are made in June. Whether these payments will be made to WIVA and other virtual schools depends on further actions by the courts, whereas legislation would provide a measure of certainty. The department would like to see quality virtual schools move forward. SB 396 recognizes that the decision to create a virtual school should be based on educational criteria, not financial, and that for virtual education to move forward quality standards must be in place.

Thank you. At this time we would be happy to answer any questions you may have.



**Jerome K. Fiene**  
*Agency Administrator*

**Cooperative Educational Service Agency #9**

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**Senate - Committee on Education**

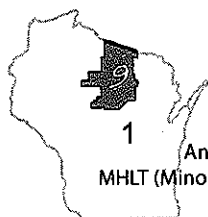
**Public Hearing January 17, 2008**

**Re: LRB-3144/6 - Testimony provided by Jerome Fiene, CESA 9 Administrator and Dawn Nordine, Director of Wisconsin Virtual School (WVS)**

Thank you Committee for the opportunity to spend a few minutes to provide informational testimony and a voice for quality online learning for the State of Wisconsin and its students. I am Jerry Fiene, Administrator of Cooperative Educational Service Agency #9 located in Tomahawk, Wisconsin. CESA #9 operates Wisconsin Virtual School, otherwise referred to as WVS, a statewide supplemental online learning program.

The last 8 years WVS has provided nearly 7,000 online courses for Wisconsin students in Grades 6-12. WVS provides standards based online curriculum, certified content specific teachers, a learning management system, local mentor training and support with policy development for school districts both public and private in Wisconsin. CESA 9 facilitated the formation of the Wisconsin Collaborative Online Learning Network (WCON) and was a member Superintendent Burmaster's Virtual Advisory Group. CESA 9 WVS is also a member of NACOL, the North American Council for Online Learning ([www.nacol.org](http://www.nacol.org)) - a non-profit organization leading the development of national standards for online learning.

The current court ruling does not impact the online learning opportunities that WVS currently provides. Over two-thirds of Wisconsin school districts have utilized the WVS online learning opportunities during its eight years of operation. All these school districts maintained their enrollments locally and kept the per pupil revenue and state aid for each student. All of WVS teachers are licensed in their specific content area. WVS provides an educational service that is locally controlled by the school district.



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We have long advocated for legislation that provides the framework to support quality online educational opportunities for all students in Wisconsin. We commend Senator Lehman for introducing legislation that opens dialog for such legislative support.

I would like to introduce, Dawn Nordine, the current director of Wisconsin Virtual School. She is also a former district administrator of a small rural Wisconsin school district. She will share specific reasons why legislation will move our state forward in this process.

Senator Lehman's proposed legislation defines a virtual charter school as an online learning **program** and recognizes that there is a difference in what a supplemental online program provides compared to a virtual charter school. WVS and CESA 9 supports legislation that expands access to online education by directing the Department of Public Instruction to make online courses available to all schools statewide for a reasonable fee. **Thirty-eight states** have significant supplemental online programs or initiatives. Wisconsin should look to other states for guidance in the development and funding of a state-led program. Detailed information about other states and online learning practices can be found in the *Keeping Pace with K-12 Online Learning: A Review of State-Level Policy and Practice 2007*.

(<http://www.nacol.org/docs/KeepingPace07-color.pdf>) In particular, we can learn from the *Trujillo Commission on Online Education: Final Findings and Recommendations* in Colorado (<http://www.nacol.org/docs/TrujilloCommissionOnlineEducationFinalReport-2-15-2007.pdf>) that provided recommendations that included defining virtual public schools and requiring accountability, as well as the recommendation to provide a state-led program.

Legislation would **provide groundwork** for a funding solution, quality standards, equity of access, and accountability for online learning opportunities. It allows Wisconsin the opportunity to control some factors of online learning options, yet continues to encourage local control. Without guiding legislation, Wisconsin will continue in its inconsistencies of **what** online learning is **or is not**. It will have no quality assurances of online curriculum. There will be a weakening of the importance of a highly qualified teacher and their involvement in a student's education. The battling over student enrollments and per pupil funding will continue between public schools in Wisconsin.

True online learning requires a certified teacher as integral part of a student's success in an online course. Our experience has told us that our trained online teachers can evaluate student

learning needs and provide targeted instruction to help the student succeed. Certified teachers know about alternate methods of learning and have experience with online content and quality resources that supplement the individual student's instructional needs. A reasonable student/teacher ratio is required so that all students have the benefits of the teacher's support and knowledge consistently and in a timely manner. Students can receive an online high school course experience with a 25 to 1 student to teacher ratio or less in the WVS model.

Models of current costs of funding online education exist in our state today. A supplemental program like WVS can provide a full time student's course load **in their local district** for under \$4000 per year. Local district control and participation in such a program reduces the duplication of expenses for services that are needed to support an online student.

It is true that Senator Lehman has gone beyond the issues of the current court ruling to set Wisconsin on a road to quality online experiences for K-12 students. This legislation would be the first of its kind in Wisconsin and defines the duties of DPI and local school boards as they pertain to online learning. We believe that greater access to online opportunities for students can occur if legislation is passed. Legislation charging DPI to provide oversight to develop a statewide supplemental web academy or program, establish standards for all online courses, including how much time teachers and students must be in contact throughout the course, develop standards for assessment of pupil progress, methods to measure pupil participation, and provide readiness tools to improve student success with online learning. Many of these oversight duties are similar to what DPI now provides for brick and mortar education. This will continue the fairness of accountability and quality standards for all schools.

We support legislation defining school board duties as determining which pupils can participate, which course they can take, and the number of students that participate in online learning opportunities. The local district is to provide a safe and secure online environment, ensure academic integrity of the program, require that a licensed teacher is assigned to each online course, and can locally determine the equivalency hours for online course. Many of these duties currently fall under local school board direction already.

Wisconsin virtual schools and programs vary in operation, funding, and services due to non-existent virtual education legislation, a lack of guidance from the state education department, and lack of public information concerning available online learning options. We believe that all

schools can provide an online learning program **within** their local districts using current supplemental programs in our state such as WVS. We believe that the local district can and should work with their home schooled population to provide opportunities that meet the needs of their local student population. Local districts do not necessarily need to create a virtual charter school that requires sustainability through open enrollment funding to provide both online learning and e-learning options. Wisconsin is in the minority of states that has not funded the development and support of a state-led online supplemental program – the result is where we are today involved in lawsuits and finding it difficult to agree on virtual education legislation.

Your task ahead is vital to the importance of **true** online learning for K-12 students in Wisconsin and the direction our state chooses to bring education legislation in alignment with 21<sup>st</sup> century learning models. We are encouraged that the state legislature has the vision to consider proposals to address these issues. We welcome an opportunity to assist you. Thank you for listening today.





**WISCONSIN**  
VIRTUAL ACADEMY SM

⦿ **HONORS HIGH ONLINE**  
OF **WISCONSIN**

# Protecting Funding for Wisconsin's Online Public Schools

December 28, 2007

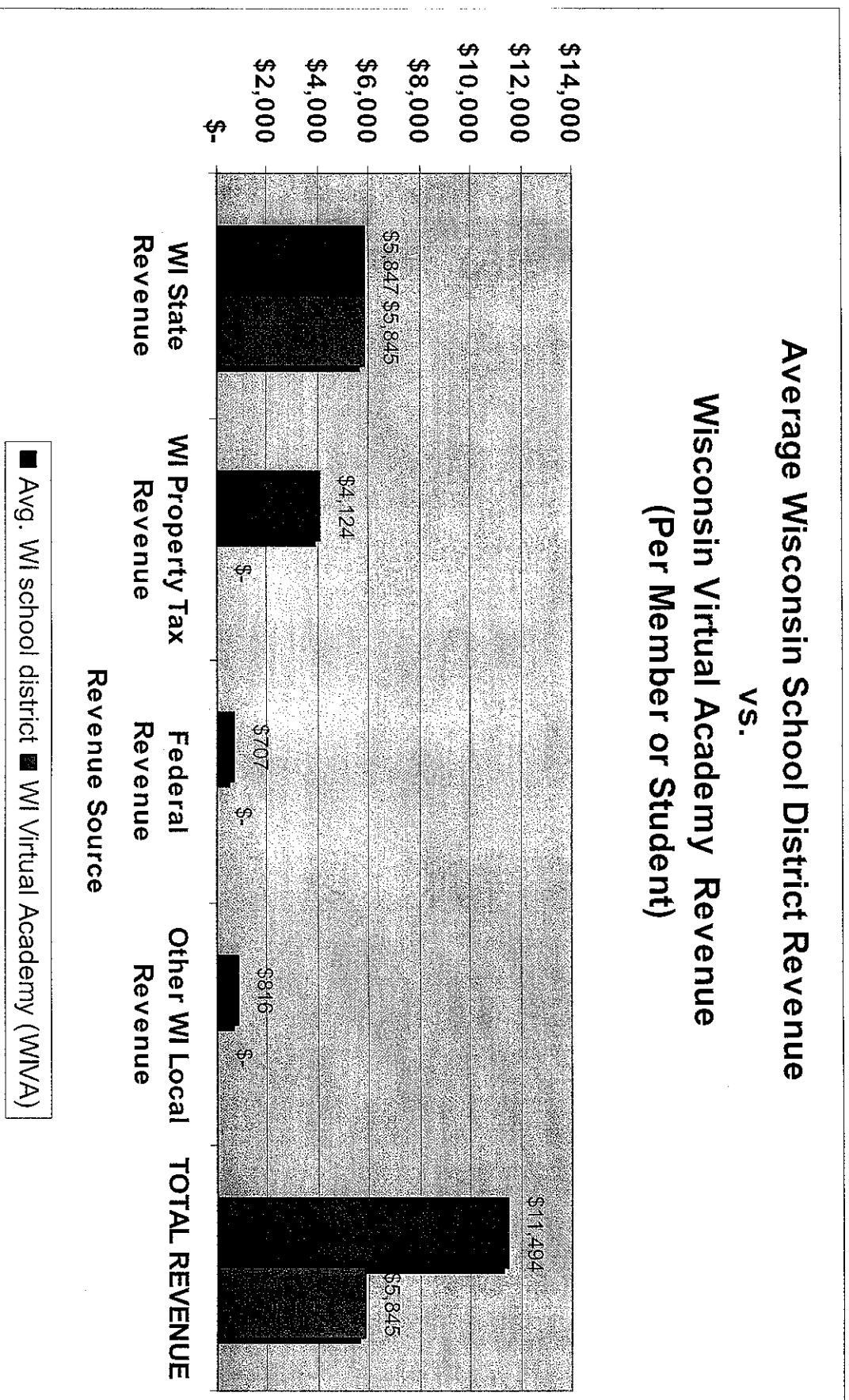
# Current Facts

- 12 virtual schools operate in Wisconsin serving 3,000 students
- All will be impacted by the Court of Appeals decision.
- Absent a legislative fix by February 2, 2008 when open enrollment begins, school administrators will be forced to make the difficult decision to remain open or close for the '08-'09 school year
- The legislature must amend the Charter School, Open Enrollment statute and clarify the Teacher Certification statute in order to save these successful schools and continue to provide this important education choice for Wisconsin families.

# Bellsouth Foundation 2006 National Report on Virtual Schooling

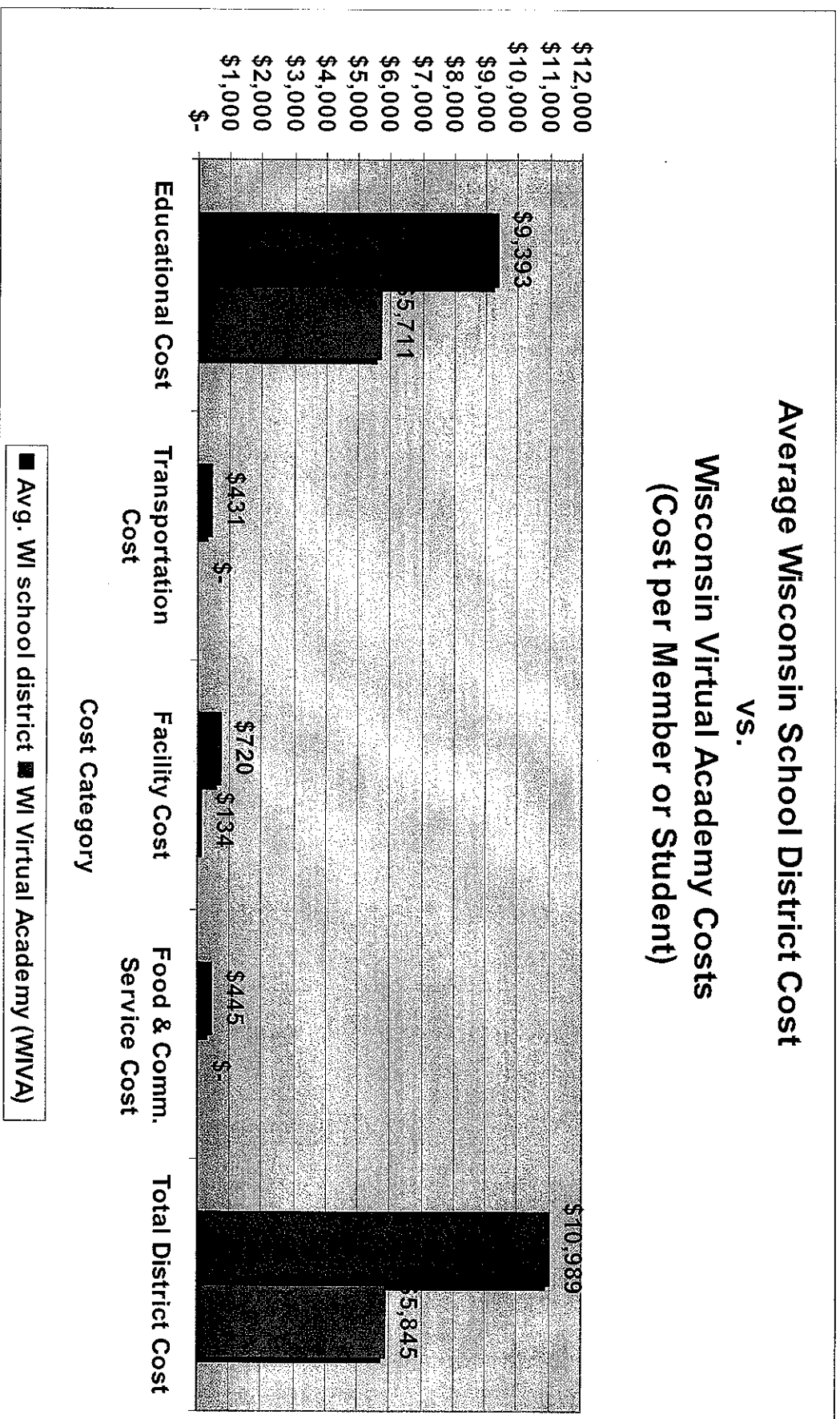
- Prepared by Augenblick, Palaich & Associates for the Bellsouth Foundation  
([www.apacon consulting.net/Flash/papers/Costs&Funding.pdf](http://www.apacon consulting.net/Flash/papers/Costs&Funding.pdf))
- Conclusion: For a full time virtual program, costs range from \$7,200 to about \$8,300 per member
- Wisconsin's Online Public Charter Schools only receive \$5,478 revenue per student.

Wisconsin Virtual Academy receives only 51% of total funding to educate a student as compared to the average WI public school district



Source: WI Department of Public Instruction Website for state data & WIVA FY07 finance documents

Wisconsin Virtual Academy's total expenditures represents 53% of the average Wisconsin school districts' total expenditures

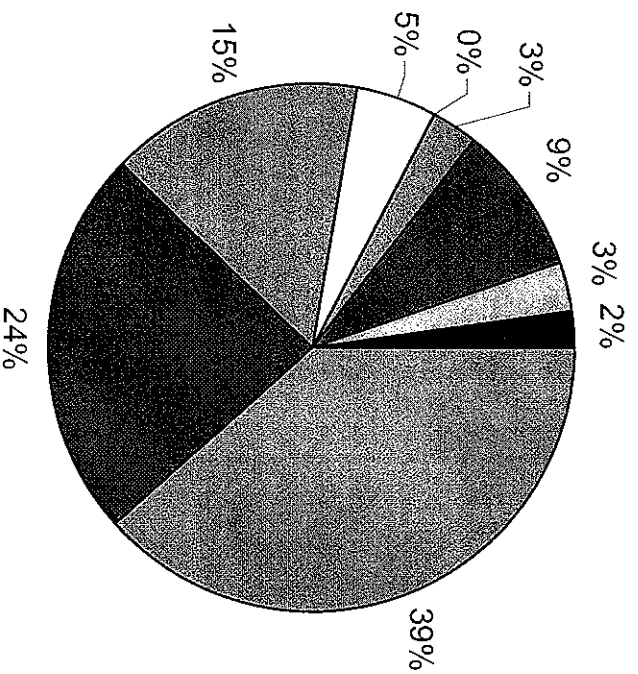


Source: WI Department of Public Instruction Website for state data & WIVA FY07 finance documents

# Teachers are the most important and largest cost

- The Bellsouth study concluded that “teacher salaries make up a large percentage of overall program costs.”
- This is also true for Wisconsin Virtual Academy as its teacher compensation represents 38% of its costs with 85.6% of its cost going to direct student instruction.

# Wisconsin Virtual Academy Expenditures- '06/'07



- |   |                              |
|---|------------------------------|
| ■ Teacher Costs                           | ■ Student On-Line curriculum |
| ■ Student instructional materials         | □ Student computers          |
| ■ School technology and data services     | ■ Student Internet           |
| ■ District Administration                 | ■ Sponsor oversight          |
| ■ Facilities, utilities & office expenses |                              |

# Conclusion

- Online public charter schools already receive nearly 50 percent less than the total funding provided for traditional schools, and less funding than many other states provide online schools.
- Reducing funding will force school districts that operate online schools to cut academic programs, layoff teachers, or even close the online schools.
- Full-time online public charter schools are highly accountable, successful public school options with proven results. Wisconsin Virtual Academy met AYP, and WIVA students' test scores exceeded the state average in nearly every grade and subject.





## The Costs of Running a High Quality, Full-Time Public Virtual School

(Based on FY07 financial information)

Revenue Category	Revenue/Member	%
State Revenue	\$ 5,845	100.0%
Property Tax Revenue	\$ 0	0%
Federal Revenue	\$ 0	0%
Other Local Revenue	\$ 0	0%
<b>Total</b>	<b>\$ 5,845</b>	<b>100.0%</b>
Expenditures Related to Direct Instruction:	Expense/Member	% of Total Expense
Teacher compensation, benefits & education-related expenses	\$ 2,240	38.3%
Student On-Line curriculum	\$ 1,396	23.9%
Student instructional materials	\$ 903	15.5%
Student computers	\$ 305	5.2%
School technology and data services	\$ 2	0.0%
Student Internet reimbursement	\$ 159	2.7%
<b>Sub-Total Expenditures Related to Direct Instruction</b>	<b>\$ 5,005</b>	<b>85.6%</b>
Other Expenditures:		
District Administration	\$ 538	9.2%
Sponsor oversight	\$ 168	2.9%
Other - facilities/utilities/office expenses, etc	\$ 134	2.3%
<b>Other Expenditures Total</b>	<b>\$ 840</b>	<b>14.4%</b>
<b>Total Expenditures</b>	<b>\$ 5,845</b>	<b>100.0%</b>

### Analysis and Observation:

- 85.6% of spending goes to direct instruction costs with the biggest cost being certified teachers.
- Quality full-time virtual public schools don't have the high facility costs like traditional public schools. However, the technology costs in virtual schools are much higher than a traditional public school.
- Virtual school curriculum costs can vary significantly depending on the quality, depth, rigor and technological sophistication of the curriculum. The overwhelming majority of parents, teachers, and administrators who have used the K12 Inc. curriculum agree that it is the best virtual school curriculum available and it is a key factor in the school's success.



## **What is included in the biggest cost categories?**

- 1. Teacher compensation, benefits & education-related expenses-** WIVA's largest single expense in the FY07 fiscal year was teacher salaries, benefits, and education-related expenses. Other education-related expenses included teacher computers, printer/fax machine, software, On-Line curriculum, materials, travel expenses and office supplies. In FY07, WIVA employed 19 teachers. All WIVA teachers are licensed and certified to teach in the grades they serve. All WIVA teachers are considered Highly Qualified Teachers per the No Child Left Behind standards.
  
- 2. Student On-Line Curriculum-** WIVA and H2O use the K12 Inc. curriculum which includes the On-Line school and traditional instructional materials.

The K12 On-Line School is the robust, powerful technological instrument that is the foundation of the K12 learning program. The K12 Online School hosts over 6,000 interactive, engaging and comprehensive lessons presented in a mix of printed and multimedia forms in all the traditional subjects: Language Arts/English, Math, History, Science, Art, and Music. Every student with access to the K12 Online School receives an individualized learning program, set at their academic level that allows them to progress at their own pace and in their own learning style.

The K12 Online School also includes all the scheduling and assessment tools:

- Initial placement tests to examine and determine a student's competency level in each subject, which ensures the correct starting point for each student in the K12 learning program.
- Assessments at the end of lessons, units and semesters to measure the student's progress and knowledge of each subject.
- Planning tools that allow the teacher and parent to set up a schedule and lesson plan and view lesson lists.
- Attendance tracking system to determine each student's number of instructional hours for each lesson in each subject.
- Progress tools to determine the pace and level of the student in every subject to ensure every student is making quality progress. The progress tool provides information on what assessments have been taken, what needs to be accomplished and what percentage of the course has been completed.
- Step-by-step hands-on activities.
- Creative ideas for alternative learning approaches.



- Information on additional material to prepare and gather for lessons.
- Teaching tips, keyword definitions, and audio pronunciation guides.
- Optional education activities; and supplemental lessons and exercises.

Unlike traditional textbooks and workbooks, the K12 Online School is continuously monitored, updated and improved to ensure students are learning.

- 3. Student Instructional Materials-** Upon enrollment in the Wisconsin Virtual Academy, students are sent 6-9 boxes of instructional materials to compliment the K12 On-Line School. This mix of online, interactive learning complimented with traditional textbooks and materials is what students and parents love most about the WIVA program. Some examples of what students received include:

- books, workbooks, and classical novels;
- math manipulatives and science experiment supplies;
- K12 proprietary phonics tile kits;
- U.S. and global maps;
- art books, musical instruments and music instruction CDs;

Many more materials and supplies are included in a student materials kit that cannot all be listed here. Together with the On-Line School, they comprise a thorough, complete and high quality educational program.

- 4. Student Computers and Internet-** WIVA provided students with a desktop computer, monitor, speakers, and a color printer. Software is delivered pre-loaded on all student computers and included: MS Windows XP operating system, MS Office suite of desktop productivity software, virus protection software, and Internet filtering software. Additionally, WIVA families are reimbursed for their Internet access, which serves as a key tool for instruction.
- 5. School technology and data services-** This category covers a wide range of turnkey technology services for WIVA. Below are the largest tasks provided:
- Student Account Management System- creation, storage, and maintenance of a student account management system that tracks all student demographic and contact information, student course placement, computer information, and miscellaneous other information pertinent to school operations.
  - Administrator and teacher training on the use of the student account management system.
  - School public Website- Develop, design, publish, and maintain the WIVA interactive public web site, [www.wivcs.org](http://www.wivcs.org) . Provide security and webmaster support.



- Dedicated teacher intranet website- design, develop, and maintain a private website to allow teachers to interact within the national network of teachers at K12 Inc. curriculum schools. WIVA teachers use this private website to share best teaching practices specific for a virtual environment.
  - Administrative office computer and telephone network design and supervision.
  - Parent and student technology support through a "1-800" tech support phone line available 24/7. Online and printed tech support manuals are available to all parents including a self-paced interactive online training program.
  - Dedicated teacher technology support and training.
  - New software research and selection services. Example: Web filtering software per ORC.
  - Customized data reports to support state reporting requirements.
  - Provide centralized email services for all school communications.
  - Specialized data analysis and project management services as needed to support special projects toward higher student performance or increased parent satisfaction.
  - Unlimited use of Internet technology that allows teachers to directly instruct to students over the Web.
- 6. Administrative services-** This category of costs captures a broad range of operational and administrative services. They are listed below:
- Work with the Academy to address the continuing professional development needs of the administration and staff
  - Collect, analyze, and disseminate research on teacher quality in a virtual environment
  - Financial services
  - Work with WIVA counsel on legal matters affecting or of the Academy;
  - Propose written policies and procedures for the Academy;
  - Creation, security, and maintenance of a secure student filing system;
  - Data entry services and administrative reporting for student account information system;
  - Plan and arrange school orientation sessions
  - Prepare WIVA for the accreditation process
  - Represent WIVA at conferences and Open Houses
  - Participate in the charter renewal process with the Governing Authority, as needed
  - Arrange for the negotiation, selection, contracting, distribution, and re-shipment or return (as necessary) of instructional materials for students, administrators, and teachers on the Academy's behalf
  - Create, design, and deliver virtual school training binders to Academy teachers and administrators
  - Set up and disseminate K12 login and password accounts to students,



- teachers, and administrators and manage changes to those accounts
- Design the look and feel of the WIVA web site including content management.
  - Design administrator recruiting ads
  - Design school information printed materials
  - Design school letterhead, cards, and logos
  - Design school student application and enrollment forms
  - Design and code school calendars, threaded discussion groups, message boards, and other community-building aspects of the Academy-specific web site
  - Identify and source all curriculum and assessment materials necessary for the Educational Program
  - Negotiate a distribution agreement with the Academy's school supply vendors on the Academy's behalf
  - Negotiate agreements with the Academy's professional service providers and testing centers for proctored examinations on the Academy's behalf
  - Answer enrollment questions from potential families (phone, mail, and e-mail) and assist the Academy in managing the enrollment process, including the processing of paperwork and data entry
  - Apprise families of their status in the Academy's enrollment process
  - Assist with public relations and demand creation for the Academy and its Open Houses and other events via mail, e-mail, newspapers, magazines, journals, radio, television, community forums, town hall meetings, and other forms of communication and outreach on the Academy's behalf
  - Assist with the drafting and distribution of Academy press releases
  - Field and respond to incoming calls, letters, faxes, and e-mails about the Academy, its curriculum, the application/enrollment process, instructional materials, etc.
  - Conduct focus groups, surveys, interviews, observation sessions, and/or user testing on the online school program to obtain feedback on how to improve the program
  - Create "feedback buttons" on lessons so that students, parents, and teachers may send in lesson comments and suggestions; respond to suggestions and implement improvements
  - Assist with setting up and implementing special education policies, procedures, and services for children with special needs
  - Conduct exit interviews for those who withdraw in order to learn more about how to improve the program for families
  - Advise and assist with the creation of teacher training materials for new and returning teachers
  - Create and mail new student packages, including the "Start-Up Guide" and "Welcome Packet" to newly enrolled families

**WISCONSIN VIRTUAL ACADEMY (WIVA)  
WHITE PAPER – INSTRUCTIONAL MODEL**

**By Michael B. Skurek  
Wisconsin Virtual Academy – Director of Curriculum, Instruction, and Assessment  
January 9, 2008**

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## ***Purpose***

The Wisconsin Virtual Academy (WIVA) is a K-8 public, virtual charter school operated by the Northern Ozaukee School District. Contrary to the many mistruths perpetuated by the Wisconsin Education Association Council (WEAC) in the courts and media since the onset of litigation against WIVA, this paper will demonstrate the high level of student learning that occurs on a daily basis in the school and dispel several important myths related to virtual education. In fact, in many respects, WIVA's innovative learning program is not only *just as good* as the learning programs found in many traditional public schools across the State of Wisconsin, it is even better.



### ***School Operation – How it Works for Students and Families***

To begin with, WIVA students in grades K-8 use a very demanding standards-based hybrid curriculum, delivered to their homes by the school's curriculum provider: K12 ([www.k12.com](http://www.k12.com)). A hybrid curriculum includes books, workbooks, novels, a variety of hands-on learning tools, microscopes, etc. These learning tools are delivered by UPS directly to students' homes. Students and parents are given logins to access a school website known as the Online School, which serves as a curriculum organizer for families. This site is the means through which learning activities are assigned, mastery learning can be assessed, and student records are maintained for teachers.

WIVA teachers communicate with students and parents in a variety of ways. Students attend online: classes, office hours, tutoring sessions, workshops, and teacher-student one on one conferences. To facilitate electronic interactions between students and teachers, the Wisconsin Virtual Academy uses a web-conferencing Internet site known as **Elluminate**. Using this site, students can talk, raise their hands, write on a whiteboard, use a web-cam, work cooperatively with other students, and basically interact in many ways similar to a traditional classroom environment. In addition, teachers schedule face-to-face skills workshops, classes, and small group tutoring sessions. WIVA teachers also make home visits to work directly with students. Not unlike other public schools, WIVA teachers require the completion of assignments to demonstrate learning and mastery of important course content.

## ***Mastery-Based Learning***

New students in the Wisconsin Virtual Academy take placement tests which are used to determine the appropriate skill and knowledge level for each of the four core courses offered at each level: History, Science, Math, and Language Arts. Most often, students are not placed at grade-level for all of their courses. For example, a typical 4<sup>th</sup> grader may be placed in 3<sup>rd</sup> grade Language Arts, 5<sup>th</sup> grade Science, 4<sup>th</sup> grade Mathematics, and 3<sup>rd</sup> grade History. Contrary to what we have traditionally seen in our public schools, because all people have areas of strength and areas that require a little more effort, it is uncommon for students to be placed in courses completely at grade level.

Commensurate with the best known educational practices, for each course, WIVA teachers have developed a list of Essential Understandings (EUs). The EUs are the most important big ideas that every student is responsible for any particular course. WIVA teachers evaluate their students based on these Essential Understandings and assign trimester grades of NA (not assessed), D (developing), and M (Mastery) for each one of the EUs. As a result of this highly acclaimed standards-based approach, students who complete all of the required curriculum and assignments for any particular course, and demonstrate mastery of the Essential Understandings, will move on to the next course in a course sequence, even if the completion date is prior to the end of the school-year. During each of the past two years, over 500 WIVA students benefited from this mastery-based approach to learning.

Thus, high ability and gifted students are able to work at their own very rapid pace, traversing a variety of courses during the course of one school-year. Likewise,

students who are challenged in certain content areas are given the latitude to progress at a slower than usual pace, taking the time necessary to demonstrate mastery of the important course concepts, prior to advancing to the next course in the content area sequence.

Last but not least, the most important aspect of mastery-based learning is related to student motivation. WIVA students from grade K-8 understand that partial understanding of course content and skills will not suffice. Students do not have the option of “not getting it” and moving on to the next lesson, unit, and/or course. As a result, WIVA students excel.

### ***Myth Number 1: Instructional Time, Comparing Apples and Oranges***

The amount of instructional time that occurs between WIVA teachers and students is said to be too small when compared to the instructional time that occurs in traditional schools. Furthermore, it is assumed that if a student spends 7 hours of his/her day in a Wisconsin public school, it follows that there are 7 hours of instruction that occur. Nothing could be farther from the truth.

In an often cited study on the reality of instructional time in schools, it was found that the actual amount of instructional time that occurs in schools is in the range of 30% of the school day (Gilman & Knoll, 1984). Between recess, waiting in lines, study hall, announcements, special assemblies, etc., the instructional time in traditional schools is dramatically lower than expected. 30% leaves the 7-hour instructional time at 2 hours and 6 minutes.

Another study included in its findings delineations between the actual allotted time in schools, the “student learning time” designated by state statute, and the “actual learning time” (Suarez & Others, 1991). Even with only a cursory analysis of the time spent instructing students in classrooms, it often includes social greetings, time for explanation, correcting/checking homework, passing out papers/materials, assigning new assignments, etc. As a result, the time spent on “teaching,” those precious moments when teachers become the magical purveyors of knowledge, are fewer and farther between than we would expect. The 2 hours and 6 minutes becomes considerably less.

WIVA teachers instruct students in a variety of ways: classes, one on one conferences, face to face meetings, tutoring sessions, etc. In addition, WIVA teachers are responsible for assessing and evaluating student mastery of important learning goals: in classes, one on one conferences, face to face meetings, tutoring sessions, and by providing feedback on assignments. When all of these interactions are seen together, the student instructional time for a virtual teacher in the Wisconsin Virtual Academy is in fact very similar the instructional time in traditional schools.

Important footnote: current educational research recognizes that lecture as the means to student learning is—for the majority of our students—not an effective practice. As a new teacher, my mentors suggested that I not lecture for more than 1 minute per year of age of the student. In fact, younger students can simply not attend for an entire class period. The romantic image of the teacher in the media, as the purveyor of knowledge, with students attending to and forever remembering every word and concept that rolls off his/her tongue is simply not reality. The fact that students need to be actively

involved in their learning is further evidence that the WIVA educational model is not only viable, but an improvement—for many students—over the traditional classroom.

### ***Myth Number 2: The Parents are the Teacher***

Student learning is at its best when students are responsible for creating meaning out of life's challenging problems. A teacher who focuses on lecture merely shares his understanding, and does not allow students to truly learn for themselves. WIVA students are in an ideal situation because they are instructed, formatively assessed, guided, evaluated, and given the opportunity to make sense out of our complex world, through their challenging curriculum. It only makes sense that parents are available to move the process along.

While most schools struggle to involve parents in the educational process, WIVA parents are closely involved in the education of their children. One WIVA parent likens the experience to “being there to see your child’s first steps.” To paraphrase, instead of sending a child “down the street” to the local public school, parents get to be there when the first words are read, and for all the other educational milestones. As a result, for the vast majority of WIVA families, the relationship between parent and child grows stronger.

WIVA delivers the curriculum to students’ homes. This includes all of the books and other materials that are essential to the learning process. Parents are neither expected nor required to evaluate student learning. This is exclusively the job of the WIVA Teacher. Similar to what occurs in many Wisconsin homes, parents attempt to help

students with organization, goal-setting, and also by providing tips on how to be successful on lessons; and similar to the thousands of aides who work closely with teachers in schools throughout Wisconsin, WIVA parents are given specific directions and guidelines from teachers regarding how to best assist their children.

## **Conclusion**

Because of the forward thinking educational model established at the Wisconsin Virtual Academy, students love to learn and excel as a result. While many studies have emphasized the importance of spending more time in school (Prisoners of Time, 1994, Nation at Risk, 1983), the amount of time that WIVA students spend actively involved in learning is a testament to the validity of the model. As of Monday, January 7, 2008, **36% of WIVA students have spent more than the number of attendance days required by Wisconsin State Statutes.** How many schools in Wisconsin have this high a percentage of students going beyond the mandated attendance requirement?

As WEAC continues its efforts to forever end this type of virtual education in Wisconsin, it is incumbent upon us to remember that there is not one school that works for all students; and our primary focus must be on providing the best possible educational experience for all public school children in our state. Let us not deprive our children and future generations of the opportunity to learn in a valid, new, and different way, simply because of WEAC's fear of larger class sizes (larger classes=less teachers=less dues paid=less political power). Let us think first about the interests of our children—our future—and not about promulgating the interests of a temporarily misguided union.

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# **WISCONSIN CHARTER SCHOOLS ASSOCIATION**

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**DAVID WARD**  
President, NorthStar Economics, Inc.  
Sturgeon Bay

**TO:** Senate Committee on Education

**FROM:** Jim Morgan, Treasurer (608-235-6660)

**DATE:** January 17, 2008

**RE:** Legislative proposals regarding virtual charter schools

The Wisconsin Charter Schools Association supports legislative efforts to maintain the choice of families choosing virtual charter schools in Wisconsin.

Legislation recently introduced in the Assembly by Representative Brett Davis accomplishes this goal. Their bill clarifies state statutes to make certain that the parents' ability to choose the best public school option for their children is secure. Furthermore, the Assembly Bill 697 was designed in consultation with people trying to solve the issues created by recent court rulings: parents, teachers, and authorizers of virtual charter schools.

Legislation proposed in the Senate by Senator John Lehman, however, does not protect this option for families. It proposes cutting funding for virtual schools by 50 percent. It creates enrollment restrictions on students and sets arbitrary burdens on virtual school teachers.

We encourage legislators to work with grassroots efforts to protect the thousands of families that have selected this innovative option for their children.

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# WISCONSIN EDUCATION ASSOCIATION COUNCIL

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Affiliated with the National Education Association

*Every kid  
deserves a  
Great School!*

**Testimony on**  
**Sen. Lehman's SB 396—E-Learning Options and Accountability**  
**Senate Committee on Education**  
**January 17, 2008**

Presented by:

Annette Walaszek

Algoma High School Science Teacher

Wisconsin Virtual School (WVS) Instructor

I have had the great pleasure of teaching Chemistry and Physics to the students of Algoma High School for the past thirteen years. I have also taught these subjects to students across the state for seven years as a contract employee for Wisconsin Virtual School. Prior to my teaching career I worked as a Chemical Engineer / Technical Trainer for Abbott Laboratories in North Chicago. Additionally I was a member of the State Superintendent's Advisory Committee on Virtual Education.

I support Sen. Lehman's SB 396. This proposal contains several key ideas which will ensure the quality and availability of online courses and require that teachers and administrators of online course programs be accountable for student learning and success.

Online teaching can be of the same quality and have the same impact on student achievement as face-to-face teaching. Online learning provides an alternative for students with scheduling conflicts or students in schools where there may not be a teacher for a subject they need or desire to take.

The key to the success of these online programs is the quality of the courses and the accountability of the teachers for the success of their students. As an online teacher with WVS, I benefit from engaging courses developed by professionals. As an online teacher, just as in the classroom, I am accountable for helping each student progress to the next achievement level. In the brick and mortar world I am available to my students during and after class for their questions. In the virtual world I am available on the student's schedule. I encourage e-mails with questions. I send tips, examples and PowerPoint graphics to help explain the concepts. I give extra credit problems after some unit tests to encourage students to revisit important ideas that they have not mastered.

Nowhere is the benefit of online learning more striking than in the Advanced Placement courses I teach and other AP online courses the students in my district have taken. Many students have, as judged by the independent AP test,

Mary Bell, President  
Dan Burkhalter, Executive Director



gained the knowledge necessary to gain credit for a typical first year college course. If not for online classes, many students would not have had the option of participating in this eye-opening preview of the rigor of college programs.

I support making online courses available to all students for a reasonable fee. Online courses have been an integral component in supporting the AP program at many schools which results in important college preparatory work and possible college credit. Online learning and the professional communication required when taking an online class are important life-skills for our students. Most of my students are in grades 10 through 12. This is a very appropriate time for them to experience this alternative to the traditional classroom as many will go on to take online classes in college or as part of an on-the-job training program. In smaller districts, such as the Algoma School District, some courses are not available. Online gives our district the opportunity to provide more course offerings to students. Offering online courses "in-house" at a reasonable cost gives students this important experience while maintaining local control. Students who take these courses while staying in our district also benefit from extracurricular opportunities and guidance and special education services. These components of schooling are best maintained by a local district and are critical to student success.

I support state aid adjustment for virtual charter schools. As an online teacher I realize the cost of virtual education may be lower than the cost of traditional schools. For instance, one responsibility I do not have when teaching online which is required when I teach face-to-face is developing the instruction. For my brick-and-mortar classes I spend time each weekend planning the next week's classes as well as time over the summer evaluating and improving lesson ideas. The course developers have already completed this work for my online classes. The tests have been tied to the content for me and I don't spend time preparing and validating tests and quizzes. In my role as a teacher online I don't maintain a classroom. In a typical AP Chemistry course, setting up labs often requires time after the teaching day. My online students benefit from excellent virtual labs which supplement their previous face-to-face chemistry lab experience without setup time on my part. As a point of reference, a 6-class course load from Wisconsin Virtual School for a full school year currently costs \$3900.

I support a contact time requirement to ensure the quality of online education. Online learning is much more than a student and a computer. A teacher is integral in evaluating student stumbling blocks and providing targeted instruction to help the student succeed. Certified teachers know about alternate methods of learning and have experience with texts and quality websites that supplement student instruction. A reasonable student/teacher ratio is required so that all students have the benefits of the teacher's support and knowledge in a timely manner. Another important point of contact is the local mentor, usually a guidance counselor or teacher at the online student's school, who provides an

additional level of support to help all students succeed. Contact requirements, however, that require a high school student and online teacher to communicate at a set time are problematic. A primary advantage of online learning for high school students is that they can choose the times they will interact with the teacher and the course.

Finally, I support a professional development program that prepares teachers to teach online. Additional professional education has been instrumental in supporting my role as an online instructor. I have taken several courses in using technology in the classroom and delivering instruction online which have helped me understand the role of discussion, technology and collaboration in the online environment. I participate each year in professional development opportunities sponsored by Wisconsin Virtual School. I attend conventions and workshops, such as the Wisconsin Collaborative Online Network Symposium, to learn what other educators are doing to improve online instruction. These have been important additions to the work I completed to earn my teaching certification.

For all of these reasons, please support SB 396.

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# WISCONSIN EDUCATION ASSOCIATION COUNCIL

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Affiliated with the National Education Association

*Every kid  
deserves a  
Great School!*

Testimony before the Senate Education Committee  
Concerning SB 396, Relating to Virtual Schools  
January 17, 2008

I come before this committee to express my significant concerns regarding virtual education as it now operates in Wisconsin and to support Senate Bill 396. My name is Lucy Brown. I am not an educator; I am legal counsel for the Wisconsin Education Association Council and have been involved in the lawsuit that WEAC and others brought against the Northern Ozaukee School District in regard to its operation of the Wisconsin Virtual Academy (WIVA). My comments to you today are not about the quality or lack thereof in virtual education. My comments deal with my concerns about the lack of accountability for educational quality and funding fairness in the way virtual charter schools have been operating in Wisconsin.

First, my concerns are grounded in my knowledge of the operations of WIVA. This school is primarily home schooling of elementary age pupils by the parents with public dollars being paid to support the home schooling and to pad the budget of the local school district. K12 Inc., the for-profit company behind WIVA, sends educational materials to the students and their parents. These materials include guides to assist the parents with their presentation of the lessons and their evaluation of the student's work. The required contact that WIVA students have with a certified teacher consists of one or two twenty- to thirty-minute phone calls per month; and at most four approximately half hour classes over the computer per month. In addition, each student is required to send several work samples to their certified teacher each month. No additional contact is required. The assistant principal of WIVA reassured parents in a newsletter that only 2% of the students' school time would be taken up by these required contacts with the certified teachers.

Mary Bell, President  
Dan Burkhalter, Executive Director



The first safeguard is the presence of highly qualified teachers in the classroom with the public school student. A certified teacher is trained to evaluate learning, to diagnose and address appropriately any learning issues. To fully perform these functions, especially when young children are being educated, the teacher must be able to observe and interact directly with the student. Because of the need for close, in-person observation of young children, it may be appropriate for the legislature to consider handling quality assurances for young children in a different manner than for high school students.

The second safeguard that has always been part of the Wisconsin public education system is local control of the schools. Local control cannot act as an assurance of quality in the school if the local community has no connection to the school. A local chartering community is less likely to care about the quality of the school if their tax dollars do not support the school and if their students do not go to the school; the community needs to be able to see evidence of the school in the community. When there is no such presence, the primary interest of the local school board and the community is likely to be that the school brings in revenue for the community schools where the community's children are educated. Seeking to maximize profits is rarely the way to produce the best product.

Finally, using the open enrollment payments to fund virtual charter schools is problematic. The open enrollment formula has no relationship to the actual costs of educating a student in a virtual charter school like WIVA. And I believe the legislature has taken an important first step with Senate Bill 396 in addressing the question of whether the taxpayers of the state of Wisconsin should pay the full open enrollment amount for virtual schooling if that schooling provides fewer services to the student than a brick and mortar school.

In conclusion, WEAC supports the use of virtual education in Wisconsin's public schools. It wants to see, however, that the safeguards that the legislature has always insisted upon to ensure quality in public schools are not discarded simply because the method of delivery of the education has changed. WEAC does not believe that the mantra of parental choice can take the place of the quality assurances that come with real local control, a qualified teacher instructing the student, and funding fairness.

WEAC supports Senate Bill 396 because it is true to Wisconsin students for assuring quality public education – local control of the district schools and a requirement that the virtual public school student have regular and substantial contact with a teacher, and for young children, we urge this committee to consider that this contact be in-person contact.

Lucy Brown  
WEAC Legal Counsel  
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STATE REPRESENTATIVE

# DON PRIDEMORE

TO: Senate Committee on Education

FROM: State Representative Don Pridemore

RE: Senate Bill 396, relating to Virtual Charter Schools

DATE: Thursday, January 17, 2008

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Thank you, Chair Lehman and the members of the Senate Committee on Education, for hearing Senate Bill 396 today.

Education is, and must continue to be, one of our main priorities as a legislature. By investing in quality education for our students, the future of our state will be improved immeasurably. The Court of Appeals has ruled that under current state law, virtual charter schools cannot be operated as previously specified; legislation to ensure that these schools may continue to operate is essential.

In order to achieve the goal of a quality education for all students, we as parents, citizens, and taxpayers must be open to all choices which benefit students. All students do not learn in the same way and at the same pace. Virtual charter schools provide an alternative for students to learn the specified material with the assistance of their involved parents, and also provide the advantage of practical education of the technology and computing skills which the employers of the present and future require.

Senate Bill 396, as introduced by Senator Lehman, does not create an environment in which virtual charter schools can grow and thrive. By reducing the funding for these schools by 50%, virtual charter schools are left with half of the funding that the Open Enrollment program provides to other charter schools, a loss of \$3000. Cutting the funding of these virtual schools is short sighted and is clearly contrary to good public policy. First, these virtual schools are already educating children at a significantly lower cost than a bricks and mortar school. Second, the software provided by the company in the private sector should be realizing a profit. By cutting all profit out of the industry we will stifle competition and eliminate any incentive these companies have to invest in research and development thus reducing the quality of the programs. I believe that our children deserve state of the art programs, and it is our duty to provide the tools necessary to make this happen. Hiding these cuts in a cloak of fiscal responsibility and professing to have the taxpayers' best interests at heart, this bill negatively affects the quality of education which virtual charter school students will receive. Companies which develop educational products must use revenue to research and develop new products and procedures in order to continuously improve education—this reasoning parallels the

requirements that state-licensed teachers must complete continuing educational credits in order to keep their methods and resources current. We should demand that virtual charter schools be able to continuously improve as well, for this will be to the benefit of students.

The state of Wisconsin, as the Department of Public Instruction must be well aware, is composed of only a few metropolitan areas with the majority of students and school districts located in rural areas. As proposed, Senate Bill 396 requires that virtual charter schools enroll a minimum of 15% of students from the physical school district in which they are chartered. This arbitrary number irresponsibly limits the number of students who may benefit from virtual education, decreasing the number of educational options available to students. We must not conflate the existence of the Open Enrollment Program with a plethora of options that are assumedly available to each student, for the distance between schools in rural areas is prohibitive. Virtual charter schools address this issue by providing high-quality education with active involvement by both parents and state-licensed teachers to students who may have no other option for an education outside their local public school. In essence, if the option of virtual charter schools was not popularly supported, these schools would not exist—indeed, would not grow and thrive; therefore, these opportunities must be opened to as many students as possible, and not be subject to an arbitrary limit based on the input of persons who are not educational experts.

The motives of those who oppose funding virtual charter schools at a parity level with other charter schools are questionable at best. It is counterintuitive for those who continuously rail against cuts in educational funding to call for reduced funding for these students. The number of students involved is not minimal, either; with only twelve charter schools currently established in-state, over 3000 students are now enrolled, a number which is sure to increase once our legislation matches the demands of the appellate court.

The extra requirement of time that a teacher must spend with each child in a one-on-one setting contained in SB 396 is short-sighted for two reasons. First, everyone who testified yesterday who had actual experience with the day-to-day workings of virtual schools, including teachers, administrators, parents, and students, said that teachers are already able to spend much more one-on-one time with students in a virtual school than in a traditional classroom setting. Secondly, one size does not fit all: some students need more time and assistance from their teacher than others for a host of different reasons. A student may need more help with math than science or English, for example. A program such as the virtual charter school provides all students with an advantage previously reserved only to students covered by the federal Americans with Disabilities Act, an individualized educational program. As teachers' groups have incessantly called for additional "free periods" for their members in order to allow them to develop such individualized and specific programs, it is a surprise that they would lobby against the interests of students who desire individualized and relevant programs in this case.

Indeed, the best interests of individual students may be best addressed only by virtual charter schools in many circumstances. Choices are now available to parents and students



which would have been unimaginable ten or twenty years ago. Imagine a teenager so enthralled with marine biology that he or she spends their free time doing not much of anything else. How about a high school that in addition to the regular school menu has an extensive menu of marine biology courses? How about a health science or engineering curriculum? Not only will a student be able to choose particular field but will have several choices within those fields to choose from. The mathematically gifted child in a rural setting will no longer be limited to one particular program or need to travel across the state. Imagine the child of a restaurant owner that chooses to enter the family business right out of high school. How about a virtual school designed for an entrepreneur? Such a program may include human resource management techniques and a basic accounting course, along with endless other options he or she may find valuable. The flexible and state-wide nature of these schools will offer unique opportunities to all students. The economies of scale will allow hundreds of schools across the state to offer specialized programs, and options such as this can only benefit our students. There is no reason that every school district cannot participate in these programs; our goal must be the overall benefit of our children, rather than a selective benefit for a few school districts and union organizations. We need to keep our state a leader in education, and at this time, our best option to combine technology and education in many cases is through the option of a virtual charter school.

In summary, it is critical that virtual charter schools are supported in an actual way. To halve the funding of virtual charter schools will cripple their ability to provide the best education possible to the students whom they serve. Although this may be disguised as a measure to protect taxpayers, this will actually directly harm the students who currently benefit from virtual charter schools by reducing their quality and availability. Virtual charter schools are not the best option for all students: many, many students do thrive in our public schools as currently active. However, the option of virtual charter schools must be available to all Wisconsin students, regardless of their geographic location—this is one of the main benefits of their virtual placement. In order to continuously provide the best education to all students, we must not reduce the level of funding provided to virtual charter schools in relation to other charter and open enrollment schools. I believe that although all students do not learn in equal ways and at an equal pace, all students are equally important and should receive equal opportunities to succeed. Therefore, Senator Lehman's bill as drafted is not the correct choice for our Wisconsin students and schools. Please oppose SB 396. Thank you.

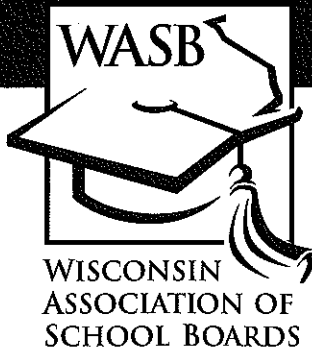
Monroe Virtual School  
Discussion Points  
Senate Hearing  
January 17, 2008

- Department of Public Instruction advised Wisconsin school districts that the charter school statute and open enrollment statute allowed for the registration of virtual school students. See DPI presentation from spring of 2007.  
<http://dpi.wi.gov/sms/ppt/07chartconf.ppt>
- **Why do we have a virtual school?**
  - Vision of former Monroe Virtual School Principal Dan Bauer.
    - Serving those students who the education system was failing (at either end of the spectrum)
    - Helping to ensure that those students who are at-risk of not graduating could earn a high school degree and have the opportunity for success in their life.
- **Who do we serve?**
  - Students who the regular education system was not working for in one way or the other
    - Accelerated Students—We've had a national scholar
    - Students with Discipline Issues—Truancies or Expulsions
    - Medical Conditions—Photophobia, Stomach Migraines, ADHD, Simple Biorhythm Issues
    - Teenage Mother/Fathers or other Heads of Households
    - Previously Home-Schooled Students
    - Students who felt threatened, bullied or picked on in their schools
    - Parent/Student Schedules: Olympic-Training, etc..
    - Adult learners who have returned to get their high school diploma
  - This model does not work for all. It will never replace brick and mortar schools. The students must have some self discipline and want to learn to be successful.
  - Students from Monroe, from throughout the state and in some cases students from other states.
- **How do we educate?**
  - Licensed teachers make home visits, provide student support and guidance, administer testing and issue grades for students
  - Curriculum and Coursework Lessons provided primarily by universities along with some supplementary sources
    - University of Nebraska
    - University of Missouri
    - Brigham Young University
    - Stetson University

- School District of Monroe Developed Coursework
  - School District of Monroe Independent Study Programs
  - CESA 2, Aventa Learning and others for additional subjects such as Drivers Education, Music Lessons, Additional Middle School Offerings
- **What do we stand to lose?**
    - The educational opportunity for our students
    - The hope and purpose that this educational opportunity instilled in those students
    - A number of families who were beginning to view public schools in a more positive light (Our parents are questioning why their student and their school is being threatened in a manner which would never occur with a “typical school”?)
    - 15 or more staff members in the Monroe School District (7 certified staff and 2 support staff in the virtual school plus potential additional District layoffs/reductions due to loss of revenue)
    - The quality of our “regular” schools will be impacted
    - Fewer opportunities for Monroe Students
    - Community Support—This will impact our financial situation and the District vision laid out in our last referendum
    - Community Trust at both State and Local level—If we would lose 07-08 funding, no one will understand how we could operate the school and incur a years worth of expenditures and then not have funding available which would cost the district approximately a \$1.3M loss

**Three Points on Bill:**

- Required Contact Hours – not realistic – not what virtual education is all about
- 85 – 15 enrollment requirement – arbitrary – this should be a parent choice
- Open enrollment funding – cutting funding by 50% will most likely close our doors – the logic behind reducing funding from the district that is educating the student and returning it to the district that is not educating the student is a concern



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JOHN H. ASHLEY, EXECUTIVE DIRECTOR

TO: Senate Education Committee

FROM: Sheri Krause, Legislative Services Coordinator

DATE: January 17, 2008

RE: LRB 3144/6, related to online courses for elementary and secondary school pupils

The Wisconsin Association of School Boards (WASB) has serious concerns regarding the provisions of LRB 3144/6 that would increase the state rules and regulations for all online courses taken by students enrolled in Wisconsin public schools and threaten the viability of the current public virtual charter schools.

The WASB supports the continuation of virtual charter schools and acknowledges that there have been legitimate questions raised about the viability of the current virtual charter schools under the provisions of LRB 3144/6. In addition, the WASB has serious concerns regarding the provisions that would impact all online courses, including:

### **Section 3: Professional Development**

LRB 3144/6 would prohibit a person from teaching an online course in a public school unless he or she has completed a Department of Public Instruction (DPI)-approved professional development program that is designed to prepare a teacher for online teaching.

- School districts currently access online courses provided by higher education institutions, both in Wisconsin and out of state, as well as other experts who likely would not have access to a DPI-approved professional development program.
- This requirement would apply to all persons teaching an online course in a public school regardless of their experience, skills or abilities.

### **Section 14: Online Courses, Department Duties**

LRB 3144/6 would require the DPI to establish instructional standards for all online courses taken by students enrolled in public schools and establish standards addressing the frequency, length and type of pupil-teacher contact, the assessment of pupil progress, and methods to measure pupil participation.

- The WASB has serious concerns about the potential for this provision to result in additional state mandates on all online courses and the narrowing of online learning opportunities.

- In April 2004, the Wisconsin Collaborative Online Network (WCON) Advisory Group, consisting of representatives from the WASB, DPI, the Wisconsin Association of School District Administrators, the Wisconsin Education Association Council, CESAs, school districts, Wisconsin virtual schools and Wisconsin technical colleges, developed an "Online Policy and Standards Guidance Document" to help school districts implement and manage quality online learning opportunities for their students. These guidelines have been used extensively by boards as they established their policies for implementing online programs and managing online learning opportunities for their students.
- School districts across the state have been providing quality online learning opportunities for their students for a number of years now based on the state model academic standards and the appropriate policies and guidelines put in place by their local boards. Additional instructional standards are unnecessary and would impede the ability of districts to offer a wide spectrum of online courses and adapt programming to individual needs and evolving technologies.

#### **Section 14: Online Courses, School Board Duties**

School boards already meet many of the responsibilities outlined by LRB 3144/6. However, there are concerns in regards to the provisions that would require school boards to "ensure that all pupils enrolled in online courses reside in this state" and ensure that there are specified minutes or hours of direct contact with a teacher depending upon the age of the student and how many courses he or she is taking.

- State statutes 121.77 and 121.78 provide for the admission of nonresident students and tuition payments by school districts. It is the position of the WASB that it is unnecessary to limit school districts to enrolling only state residents in all of their online courses and programs.
- The WCON recommendations do not include specific hours or minutes of direct student-teacher contact time for online courses. It is the position of the WASB that student-teacher contact time is best determined locally based on individual circumstances.

# **Wisconsin Coalition of Virtual School Families**

## **Hearing on LRB-3144**

### **Senate Education Committee**

#### **Open Enrollment Program and Virtual School Financing**

#### **Testimony by Richard G. Chandler**

January 17, 2008

Good morning. My name is Rick Chandler. I'm the President of Chandler Consulting, LLC, and I'm providing consulting services to the Wisconsin Coalition of Virtual School Families on state school finance issues related to the operation of virtual schools. I'm familiar with school finance issues based on 14 years of experience as the Director of the State Budget Office from 1987 to 2001.

I'm testifying today to provide background information related to the virtual school bills under consideration by the Legislature. The central points of my testimony will be:

- The open enrollment program under which virtual schools operate is revenue neutral for the state and for property tax payers in individual school districts.
- The per pupil transfer aid amount under the open enrollment program is set based on a logical approach recommended by a Legislative Council study committee.
- Setting a different lower transfer aid figure for virtual school open enrollment pupils would be arbitrary and would create a windfall for sending districts.
- The open enrollment finance system is currently working well and changing it would cause virtual schools to close, to the detriment of pupils and teachers.

Here are some basic background facts about school finance in Wisconsin:

- In the 2006-07 school year, average per pupil spending in Wisconsin schools was budgeted at \$11,085 per pupil, according to the Wisconsin Taxpayers Alliance.
- The amount of this spending that was subject to the state revenue limits was \$9,149 per pupil on average. This was the average amount that districts were allowed to spend for each pupil from the combination of the property tax levy, general school aids and computer aid. (This figure varies from district to district, and the proportion of this figure that comes from state aids varies from district to district.)

Here's some background information about how the state's open enrollment program works. In 2006-07, when a student moved from one district to another under the open enrollment program, the following happened:

- The receiving district had its state equalized aids increased by \$5,845, and the sending district had its state aids reduced by \$5,845.
- The receiving district did not count that student for revenue limit purposes. The receiving district got \$5,845 in open enrollment transfer aid but did not levy any additional school property taxes.
- The sending district was still able to count that student for revenue limit purposes. The average sending district was able to spend \$3,304 related to that pupil from a combination of state aids and the property tax levy (the difference between the average revenue limit figure of \$9,149 and the transfer aid amount of \$5,845). The sending district did not levy any additional property taxes related to that pupil.

The \$5,845 per pupil transfer aid figure was based on a calculation that DPI makes each year. That amount is intended to reimburse receiving districts under the open enrollment program for the variable costs which accompany students they receive, while still allowing sending districts to recoup the fixed costs associated with pupils they send.

- Each year, DPI is required to determine an open enrollment transfer aid figure based on statewide average per pupil costs for regular instruction, co-curricular activities, instructional support services and pupil support services.
- These are regarded as the variable costs that are incurred by the receiving school districts when students transfer.
- The sending districts still have fixed costs that they have to pay when students transfer (e.g., costs incurred for administrative overhead), so they retain some revenue to pay those costs.
- This methodology for calculating open enrollment transfer aids was recommended by a 1996 Legislative Council study committee which helped develop Wisconsin's open enrollment program.

The current approach under the open enrollment program has several desirable features. It strikes a balance that reimburses receiving districts and sending districts for costs they incur.

In addition, the current open enrollment transfer aid formula is revenue neutral for the state, for receiving districts, and for sending districts.

- The state pays the same amount of equalization aid when a student transfers.
- The receiving district does not collect any additional property taxes when a student transfers.
- The sending district collects the same amount of property taxes when a student transfers.

The \$5,845 transfer aid figure is a reasonable figure for virtual schools, and cutting it in half as has been proposed is not reasonable.

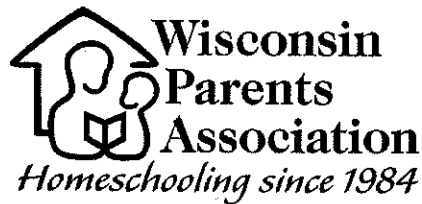
- Virtual schools are already educating students for close to half the average cost for bricks and mortar schools.
  - Last year, virtual schools spent about \$5,845 per pupil, and bricks and mortar schools spent about \$11,085 per pupil.
- Setting the transfer aid figure at half of the figure that was set under existing law last year (which would have set it at \$2,922) would be problematic for several reasons:
  - The 50% figure is an arbitrary figure which has not been justified by any studies comparable to the Legislative Council study at the inception of the open enrollment program.
  - The 50% figure would create a windfall for sending districts, which would retain \$6,227, much more money than they need to cover their fixed costs.
- For virtual schools, the \$5,845 figure results in their breaking even in some cases, losing money in some cases, and making a modest profit in some cases.
  - Setting the transfer aid figure at a significantly lower level for virtual schools would result in large operating losses for the schools and a shutdown of their operations.
- Arguing that the \$5,845 figure overcompensates virtual schools overlooks the difference between "course costs" and "school costs." While virtual schools have costs that are related to course materials they offer, they also have other costs related to teaching, supervision and administration that need to be covered.

I would argue that the open enrollment program has worked well for students, for bricks and mortar schools, and for virtual schools. It has provided a viable and beneficial educational option for many students. It strikes a balance that provides a reasonable transfer aid funding level that reimburses receiving districts for their additional costs and doesn't penalize sending districts. It was structured in a way that gives students the opportunity to enroll in the educational program that best meets their needs, without creating financial incentives for transfers or setting up financial roadblocks to transfers.

Thank you for the opportunity to testify.

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Public Hearing on Senate Bill LRB-3144/6  
Before the Education Committee of the Wisconsin Senate  
Thursday, January 17, 2008, 10 AM

Testimony Presented by Larry Kaseman  
Executive Director, Wisconsin Parents Association

Mr. Chair and Members of the Committee:

Thank you for the opportunity to testify today.

I am Larry Kaseman, Executive Director of the Wisconsin Parents Association, a state-wide, grassroots organization of 1,000 member families that was founded in 1984. WPA works to protect the rights of parents and families in education, primarily homeschooling.

I want to begin by thanking the Legislature for listening carefully to homeschoolers in 1984, for passing one of the most reasonable homeschooling laws in this country, and for not changing that law. Wisconsin's homeschooling law recognizes the right of parents to educate their children according to their principles and beliefs, not those of the state. This law has served hundreds of thousands of homeschoolers well over the past 24 years. It has also served the state of Wisconsin well. Wisconsin benefits from its strong homeschooling families and its commitment to freedom of education.

Parents of virtual charter school students deserve respect for their commitment to their children and their efforts to find an approach to education that works for them. As a homeschooler, I am not at all surprised that having their children at home instead of in a brick and mortar school is working well for them. However, I'm concerned about the ways in which virtual charter schools undermine fundamental freedoms.

**I am speaking for information, to express several concerns.**

**First, it is important to maintain the distinction between homeschools and virtual charter schools.** Homeschoolers take responsibility for their children's education, including setting their own priorities and standards, choosing curriculum, establishing a yearly calendar and daily schedule, and assessing children's learning. On the other hand, virtual charter school parents turn their children's educations over to the state. They follow the curriculum chosen by the state, report frequently to the public school teachers directing their work, and have the state assess their children's learning. Homeschools are private and, like other private schools, do not have to comply with the values and beliefs incorporated into state standards. By contrast, virtual charter schools are supported by public money and are required to comply with state standards. In short, homeschools are very different from virtual charter schools.

Because virtual charter schools are public schools and receive tax money, they are subject to the same standards, accountability, and regulation as other public schools. Because homeschools do not receive tax money, they are not subject to state regulation.

(over)

**Second, virtual charter schools could undermine the sanctity of the home. Virtual charter school families are required to report frequently to their supervising teacher.** Their activities are closely monitored, including the use of web cams that allow public officials to view what is happening in their homes in real time. We don't want public schools in people's homes to become the government's ticket into the homes of private citizens and set a precedent for further government intrusions into family life. At the same time, because virtual charter schools receive tax dollars, they need to be accountable and demonstrate that taxpayers' money is not being wasted. A way needs to be found to gain this accountability without undermining the sanctity of the home. I am opposed to language like that currently in AB 697 that identifies virtual charter school parents as providers of "educational services" because this would allow the Department of Public Instruction to make and enforce rules about parents' interactions with their own children in their own homes.

**Third, a way needs to be found to prevent unreasonable amounts of tax dollars from going to out-of-state corporations and educational institutions that are making a profit by selling computerized curriculums.** Because costs of virtual charter schools are so different from costs of brick and mortar schools, a new set of standards needs to be developed to determine what is reasonable. At present, under open enrollment, large sums of money are transferred from the school district where a virtual charter school student resides to the school district operating the virtual charter school they are attending. From that district, much of the money goes to out-of-state corporations and educational institutions.

To be more specific, for the current school year, the estimated cost per public school pupil in Wisconsin is \$12,000. (This figure is derived by using the actual 2005-2006 per pupil figure of \$10,989 and adding an average yearly increase of 4.5% for the 2006-2007 and 2007-2008 school years.) This year, the school district of residence keeps approximately \$6,000 even though the school does not see the student or do any work except for a modicum of administrative bookkeeping. The rest of the \$12,000, an estimated \$6,043, is sent through open enrollment to the district operating the virtual charter school. (The final figure will be determined in May, 2008.)

However, for only \$1,128, any family can purchase a curriculum for elementary students from K12, Inc., the corporation that has contracted with Northern Ozaukee's virtual charter school. Just think how large the discount should be if a school district were purchasing 400 curriculums. Why are Wisconsin taxpayers paying \$12,000 for each virtual charter school student? How is this expenditure justified by legislators, especially those who consider themselves fiscally conservative?

One additional point: We are hearing today from families who claim that their children will be harmed if virtual charter schools close and they have to attend brick and mortar schools. Let me point out that these families have several other options. They could purchase a curriculum from a provider such as K12, Inc. and follow its clear instructions on their own. Or, if they could not or did not want to spend that much money, they could develop their own curriculum and homeschool very inexpensively. Of course, this would be different from participating in a virtual charter school. But it is important to remember that these families would have choices besides enrolling their children in a brick and mortar public school. Is it really worth undermining fundamental rights and freedoms, threatening the sanctity of our homes, and misusing tax dollars, just so a few families will be spared the inconvenience of choosing one of the other options available for their children?

Thank you for considering the serious and long range implications that legislation on virtual charter schools will have.



**Public Hearing on AB 697**  
**Before the Education Committee of the Wisconsin Assembly**  
**Wednesday, January 16, 2008, 1 PM**

**Testimony Presented by Larry Kaseman**  
**Executive Director, Wisconsin Parents Association**

Mr. Chairman and Members of the Committee:

Thank you for the opportunity to testify today.

I am Larry Kaseman, Executive Director of the Wisconsin Parents Association, a state-wide organization of 1,000 member families that was founded in 1984. WPA works to protect the rights of parents and families in education, primarily homeschooling.

I want to begin by thanking the Legislature for listening carefully to homeschoolers in 1984, for passing one of the most reasonable homeschooling laws in this country, and for not changing that law. Wisconsin's homeschooling law recognizes the right of parents to educate their children according to their principles and beliefs, not those of the state. This law has served hundreds of thousands of homeschoolers well over the past 24 years. It has also served the state of Wisconsin well. Wisconsin benefits from its strong homeschooling families and its commitment to freedom of education.

I want to make sure the Legislature understands and maintains the distinction between homeschools and virtual charter schools. Homeschoolers take responsibility for their children's education, including setting their own priorities and standards, choosing curriculum, establishing a yearly calendar and daily schedule, and assessing children's learning. On the other hand, virtual charter school parents turn their children's educations over to the state. They follow the curriculum chosen by the state, report frequently to the public school teachers directing their work, and have the state assess their children's learning. Homeschools are private and, like other private schools, do not have to comply with the values and beliefs incorporated into state standards. By contrast, virtual charter schools are supported by public money and are required to comply with state standards. In short, homeschools are very different from virtual charter schools.

**I oppose AB 697 for three major reasons.** First, the provisions in AB 697 would undermine fundamental principles essential to citizens in Wisconsin. Second, it would violate the sanctity of the homes of private citizens. Third, instead of saving taxpayer dollars, virtual charter schools waste them.

Beginning with the first objection, the Wisconsin Court of Appeals ruled that virtual charter schools are illegal in part because much of the teaching is done by parents who are not certified teachers, and Wisconsin statutes require that teachers in public schools be certified. AB 697 attempts to solve this problem by describing a virtual charter school parent as "providing educational services to the pupil in the pupil's home." **This provision undermines fundamental principles.**

As homeschoolers, we have worked very hard to get the general public to understand that parents have the right to educate their own children according to their principles and beliefs and that parents can homeschool their children without direct oversight or control by the state. The success of hundreds of thousands of homeschoolers demonstrates this, and Wisconsin statutes reflect and support it.

However, AB 697 would require that parents of virtual charter school students be closely supervised and monitored by certified teachers for two reasons. One, the statutes require that teachers in public schools be certified. Two, virtual charter schools receive tax dollars and need to show that this money is being used effectively and not wasted. However, virtual charter school parents are capable of educating their own children, as other parents are, without monitoring and supervision.

The risk from AB 697 is that legislators, the media, the general public, and parents themselves will lose sight of the legal reasons why virtual charter school parents are being monitored by the state and begin thinking that they are being monitored because they are incapable of educating their children without such monitoring. This would undermine and could eventually destroy one of the most important principles of parental and family rights and a key support for families, which are the fundamental unit of our society and every known society.

(over)

**Second, AB 697 undermines the sanctity of the home.** It sets a precedent and provides ways for the government to monitor and supervise what families are doing in the privacy of their homes. It would give the state control and authority over the interactions of parents with their own children in their own homes and give the state the authority to make rules governing these interactions. It would violate basic principles of individual liberties and freedom. It would create dependency rather than independence on the part of parents and children.

Virtual charter school families are required to report frequently to their supervising teacher. Their activities are closely monitored, including the use of web cams that allow public officials to view what is happening within their homes in real time. We don't want public schools in people's homes to become the government's ticket into the homes of private citizens and set a precedent for further government intrusions into family life.

**Third, instead of saving taxpayer dollars, virtual charter schools waste them.** Under open enrollment, large sums of money are transferred from the school district where a virtual charter school student resides to the school district operating the virtual charter school they are attending. From that district, much of the money goes to out-of-state corporations and educational institutions making a profit by selling computerized curriculum.

To be more specific, for the current school year, the estimated cost per public school pupil in Wisconsin is \$12,000. (This figure is derived by using the actual 2005-2006 per pupil figure of \$10,989 and adding an average yearly increase of 4.5% for the 2006-2007 and 2007-2008 school years.) This year, the school district of residence keeps approximately \$6,000 even though the school does not see the student or do any work except for a modicum of administrative book-keeping. The rest of the \$12,000, an estimated \$6,043, is sent through open enrollment to the district operating the virtual charter school. (The final figure will be determined in May, 2008.)

However, for only \$1,128, any family can purchase a curriculum for elementary students from K12, Inc., the corporation that has contracted with Northern Ozaukee's virtual charter school. Just think how large the discount should be if a school district were purchasing 400 curriculums. Why are Wisconsin taxpayers paying \$12,000 for each virtual charter school student? How is this expenditure justified by legislators, especially those who consider themselves fiscally conservative?

Three additional points: First, some people may say that we homeschoolers are just concerned about the competition from virtual charter schools. Actually, after over six years of effort, there are only about 3,000 students attending virtual charter schools, indicating that these schools are not growing very rapidly despite free computers and curriculum. Although advocates of virtual charter schools have claimed that as many as 80% of virtual charter school students are former homeschoolers, our investigations indicate only roughly one third of the students are former homeschoolers. In other words, homeschoolers clearly are not flocking to virtual charter schools, and we are not worried about the competition.

Second, we are hearing today from families who claim that their children will be harmed if virtual charter schools close and they have to attend brick and mortar schools. Let me point out that these families have several other options. They could purchase a curriculum from a provider such as K12, Inc. and follow its clear instructions on their own. Or, if they could not or did not want to spend that much money, they could develop their own curriculum and homeschool very inexpensively. Of course, this would be different from participating in a virtual charter school. But it is important to remember that these families would have choices besides enrolling their children in a brick and mortar public school. Is it really worth undermining fundamental rights and freedoms, threatening the sanctity of our homes, and misusing tax dollars, just so a few families will be spared the inconvenience of choosing one of the other options available for their children?

Third, AB 697 attempts to provide a stop-gap solution that would have dangerous long-term consequences. It violates a number of what I see as fundamental principles of true conservatism. The basic idea of trying to privatize education by using statutes and public funds is a contradiction and an oxymoron. AB 697 sacrifices the independence of individual citizens, brings the state into the daily life of families, and makes families dependent on the government. It leads to a violation of basic principles of liberty and private interests. It gives the government increased power and authority over citizens and opens the door to government monitoring of the activities of private citizens in their own homes. It promotes government spending and is fiscally irresponsible.

A better solution would be to provide families with economic relief that is not tied to education. This could be done, for example, by increasing tax deductions for dependent children.

It is ironic that lawmakers would try to solve education problems by applying more of the same bad practices and, in the process, undermine one of the few institutions that holds some promise of a solution, namely, the family. I am surprised and disappointed to see conservatives supporting this bill. Perhaps that is because they mistakenly think it will promote the privatization of education in a healthy and effective way. It will not.

I hope the committee will vote to defeat AB 697.

Thank you.